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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,461	10/16/2003	Yoshio Takada	B422-243	8871
26272	7590	06/06/2005	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C.			PERKEY, WILLIAM B	
JOHN J TORRENTE			ART UNIT	
1133 AVE OF THE AMERICAS			PAPER NUMBER	
1133 AVE OF THE AMERICAS			2851	
NEW YORK, NY 10036			DATE MAILED: 06/06/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,461

Applicant(s)

TAKADA, YOSHIO

Examiner

William B. Perkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,7-11 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-11 and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 7-11 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the acknowledged Prior Art disclosed in applicants Figs. 6A and 6B in view of Nakagishi (U.S. Patent No. 6,424,068 B2).

Prior Art Fig. 6B discloses a rotor 102; a first bearing 101a; and second bearing 104a. The lever 102 is connected to a not shown light quantity adjusting device. The Fig. 6 B also discloses a Hall element 118 to detect the position of the rotor. Fig. 6B shows the yoke 105 arranged in a position shifted in a thrust direction with respect to the magnet (see the paragraph bridging pages 2 and 3 of applicant's disclosure). A bias in the radial direction is described on page 6 lines 3-6 of applicant's disclosure. The first and second bearings are illustrated as formed in a bobbin. The acknowledged prior art discloses the claimed invention, except for the first bearing having a tapered shape and the fitted and axis portion are in a relation of a line osculation. Nakagishi discloses a motor device for controlling a device that requires high stability. Tapered and semi-spherical bearings, some embodiments with biasing means for the bearings, are disclosed by Nakagishi to obtain high stability of undesired movements. Figs. 23 and 24 show a fitted and axis portion in a relation of line osculation where the parts 101 and 103 in Fig. 23 come into contact and where the parts 105 and 101 come into contact in Fig. 24. It

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would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to substitute improved bearings and axial portions of shapes similar to parts 103, 101, 105, 115 in Figs. 23 and 24 of Nakagishi for the bearings and axial portions of the acknowledged prior art Fig. 6B, in order to obtain the desirable feature of improved stabilization of the light quantity adjusting means.

### ***Response to Arguments***

2. Applicant's arguments filed March 4, 2005 have been fully considered but they are not persuasive. Applicant's have attacked the references of the rejection individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### **Telephone Numbers**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'W.B. Perkey', with a stylized flourish extending from the end.

William B. Perkey  
Primary Examiner  
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WBP:wbp